

Ref 1642

PATENT
Attorney Docket No. 039316-0301

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter J. Welch, et al.

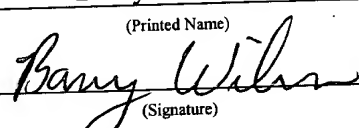
Title: TUMOR SUPPRESSOR
MOLECULES AND METHODS
OF USE

Appl. No.: 09/438,917

Filing Date: November 12, 1999

Examiner: A. Harris

Art Unit: 1642

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
Barry S. Wilson	
(Printed Name)	
	
(Signature)	
January 18, 2002	
(Date)	

TRANSMITTAL OF RESPONSE TO NOTICE TO COMPLY

Commissioner for Patents
Box: SEQUENCE LISTING
Washington, D.C. 20231

Sir:

In response to the Notice to Comply mailed on December 18, 2001, in the above-identified application, transmitted herewith are the missing parts needed to complete the filing of the subject patent application and comply with the appropriate requirements.

Enclosed are:

- ☒ Communication concerning the Sequence Disclosure.
- ☒ Copy of Notice to Comply.
- ☒ Hardcopy of Sequence Listing.
- ☒ Computer readable version of Sequence Listing.
- ☒ Marked-up hardcopy of prior Sequence Listing.
- ☒ Copy of previously filed Revocation of Prior Power of Attorney and Power of Attorney by Assignee.

In re Application of
Welch et al
Serial No. 09/438,917
Page 2

PATENT
Attorney Docket No. 039316-0301

Also enclosed herein is a copy of a Revocation of Prior Power of Attorney and Power of Attorney by Assignee, filed February 6, 2001. Please be advised that all future correspondence concerning the instant application should be directed to the below indicated mailing address.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date

January 18, 2002

FOLEY & LARDNER
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

By

Barry Wilson

BARRY S. WILSON
Attorney for Applicant
Registration No. 39,431

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DEAFCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/438,917			

EXAMINER	
Alana M. Harris	
ART UNIT	PAPER NUMBER
1642	11

DATE MAILED:

12/18/01

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.R.F. § 1.821(a)(1) and (a)(2). A computer readable form (CRF) of the sequence listing was submitted. However, the CRF could not be processed by the Scientific and Technical Information Center (STIC) for the reason(s) set forth on the attached CRF Diskette Problem Report.
2. Any questions regarding compliance with the sequence rules requirements specifically should be directed to Mark Spencer at 703-308-4212.
3. Applicant's filing date is after July 1, 1998, therefore applicant should follow the New Rule Format. Applicant must submit a new Sequence Listing (both in electronic and paper format) following the New Rule Format.
4. Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, from the mailing date of this notice, whichever is longer, within which to supply the correction in order to avoid abandonment. EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a).

Alana M. Harris, Ph.D
Patent Examiner, Group 1642

Application No.: 0943717**TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

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Application No.: 09/43897**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

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NA

(1644)

BATCH

PAGE: 1



RAW SEQUENCE LISTING
PATENT APPLICATION US/09/438,917

DATE: 02/25/2000
TIME: 10:11:17

Input Set: I438917.RAW

This Raw Listing contains the General
Information Section and those Sequences
containing ERRORS.

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Does Not Comply
Corrected Diskette Needed

1 <110> Welch, Peter J.
2 Barber, Jack R.
3 <120> Tumor Suppressor Molecules and Methods
4 of Use
5 <130> P-IU 3446
6 <140> US/09/438,917
7 <141> 1999-11-12
8 <160> 20
9 <170> FastSEQ for Windows Version 4.0

ERRORED SEQUENCES FOLLOW

10 <210> 1
11 <211> 16
12 <212> RNA
13 <213> Artificial Sequence
14 <220>
15 <223> hairpin ribozyme
16 <400> 1
E--> 17 acctccccag aaccct 16

*+s cannot be used in an RNA sequence.
Use u, instead.*

18 <210> 2
19 <211> 16
20 <212> RNA
21 <213> homo sapiens
22 <220>
23 <221> misc_feature
24 <222> (1)...(16)
25 <223> n = A,T,C or G
26 <400> 2
E--> 27 agggngtcgg ggaggt 16

same error

28 <210> 3
29 <211> 16
30 <212> RNA
31 <213> Artificial Sequence
32 <220>
33 <223> hairpin ribozyme
34 <400> 3
E--> 35 agagtgtgaag aaacta 16

same

36 <210> 4

BATCH

PAGE: 2

RAW SEQUENCE LISTING
PATENT APPLICATION US/09/438,917DATE: 02/25/2000
TIME: 10:11:17

Input Set: I438917.RAW

37 <211> 16
38 <212> RNA
39 <213> homo sapiens
40 <220>
41 <221> misc_feature
42 <222> (1)...(16)
43 <223> n = A,T,C or G
44 <400> 4
E--> 45 tagatgtctta cactct

same

16

FYIPlease Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

PAGE: 3

VERIFICATION SUMMARY
PATENT APPLICATION US/09/438,917

DATE: 02/25/2000

TIME: 10:11:17

Input Set: I438917.RAW

Line	Error/Warning	Original Text
17	E Wrong Nucleic Acid Designator	acctccccag aaccct
17	E Wrong Nucleic Acid Designator	acctccccag aaccct
27	E Wrong Nucleic Acid Designator	agggngtcgg ggaggt
27	E Wrong Nucleic Acid Designator	agggngtcgg ggaggt
27	W "N" or "Xaa" used: Feature required	agggngtcgg ggaggt
35	E Wrong Nucleic Acid Designator	agagtgtgtaag aaacta
35	E Wrong Nucleic Acid Designator	agagtgtgtaag aaacta
35	E Wrong Nucleic Acid Designator	agagtgtgtaag aaacta
45	E Wrong Nucleic Acid Designator	tagtngtcta cactct
45	E Wrong Nucleic Acid Designator	tagtngtcta cactct
45	E Wrong Nucleic Acid Designator	tagtngtcta cactct
45	E Wrong Nucleic Acid Designator	tagtngtcta cactct
45	E Wrong Nucleic Acid Designator	tagtngtcta cactct
45	E Wrong Nucleic Acid Designator	tagtngtcta cactct
45	W "N" or "Xaa" used: Feature required	tagtngtcta cactct